

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10
11 WHITTLESTONE, INC.,

12 Plaintiff,

13 v.
14

15 HANDI-CRAFT COMPANY,

16 Defendant.
17

Case No. CV-08-4193 (JSC)

**ORDER RE: JOINT STATEMENT OF
DISCOVERY DISPUTE (DKT. NO.
185)**

18 The Court is in receipt of a joint letter from the parties regarding a discovery dispute
19 over the adequacy of Whittlestone's document production. (Dkt. No. 185.) After carefully
20 considering the arguments and briefing submitted, the Court concludes that oral argument is
21 unnecessary, *see* Civ. L.R. 7-1(b), and DENIES Handi-Craft's request to compel further
22 document production.

23 Pursuant to the Court's Scheduling Order (Dkt. No. 102) the fact discovery cut-off was
24 May 14, 2012 and "motions to resolve discovery disputes [must] be heard before the []
25 discovery cut-off." Handi-Craft nonetheless waited until nearly a year after the fact discovery
26 cut-off and six weeks before trial to seek to compel additional discovery from Whittlestone.
27 Handi-Craft's attempt to boot-strap its request for these documents to the discovery dispute
28 brought by the parties on May 15, 2012 (Dkt No. 105) by arguing that the documents sought

1 here are “relevant” to documents sought in the prior timely discovery dispute is unpersuasive.
2 Further, Handi-Craft’s argument that Whittlestone had agreed to produce these documents and
3 that Whittlestone is thus “not in compliance with its agreement,” even if true, is immaterial.
4 The Court set a deadline for filing motions to compel and Handi-Craft has neither sought
5 relief from the Court’s Scheduling Order nor demonstrated good cause to do so. *See Johnson*
6 *v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992) (“A scheduling order is not
7 a frivolous piece of paper, idly entered which can be cavalierly disregarded by counsel
8 without peril.” (internal quotations and citation omitted)).

9 Accordingly, Handi-Craft’s untimely request to compel additional discovery from
10 Whittlestone is DENIED.

11 This Order disposes of Docket. No. 185.

12
13 **IT IS SO ORDERED.**

14
15 Dated: May 7, 2013

16 
17 JACQUELINE SCOTT CORLEY
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28